LeMond Cycling, Inc. v. Trek Bicycle Corporation

Doc. 148 Att. 5

Exhibit 82

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UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

LeMOND CYCLING, INC.,

Plaintiff,

vs. Case No. 08-1010

TREK BICYCLE CORPORATION,

Defendant/Third-Party Plaintiff,

vs.

GREG LeMOND,

Third-Party Defendant.

Video Deposition of JOHN BURKE

Tuesday, April 7, 2009

9:31 a.m.

at

GASS WEBER MULLINS, LLC
309 North Water Street, Suite 700
Milwaukee, Wisconsin 53202

Reported by Julie K. Lyle, RPR/RMR/CRR

sales in Europe.
Q In point 6 here you have, "He is very excited about being involved in product development, promotion, trade shows, dealer visits, et cetera, and wants to spend time but he doesn't want" an -- "and real responsibility."
Do you see that?
A Yes, I -- yes, I do.
Q It's -- it's probably a typo. You meant "any."
A Yes. Yes. Yes.
Q I only do that 6,000 times a day, so I'd recognize it easily.
But the -- during your relationship with Mr. LeMond up to 2007, was -- has he been very involved in product development?
A I would say no.
Q Why not?
A I really think that it's a lack of follow-through on Greg's behalf. If you try and call Greg, e-mail Greg, get Greg to come down to Waterloo, that's not a very easy task, especially for a product manager.
Q Has Mr. LeMond been involved in promoting his bikes up to the time of this lawsuit?
A Yes.

Q Has he done that well?
A At times.
Q Has Mr. LeMond been involved in trade shows?
A Yes.
Q Has he done that well?
A I would say that he -- yes, he did do trade shows well.
Q And same question with respect to dealer visits.
A I would say the dealer -- it would -- it was hard to get Greg -- at times it would be very hard to get Greg to do dealer visits. Scheduling was always a problem with Greg.
In fact, at one point we had discussions about Trek taking over providing management for Greg. But once Greg got to the dealer at -- on the whole, he did a fabulous job.
Q When was the discussion to get some sort of management for Greg?
A You know, I can't give you the exact date. We could provide that with you. I think it was somewhere in the -- it was post-2001. It could have been in the 2000 -- some -- sometime in that area.
Q And somewhere around the 2001, 2003 time frame, somewhere in there?

A I think that's -- that's the major reason. I think, if it had any other negative effect, it would have been that people became aware of the facts of the relationship between Trek and Greg LeMond, facts that for years we had kept away from people, always in hopes of really putting the relationship back together again. After 2001, 2004, 2006, it just kept going on and on.

And so a lot of that -- you know, people would see -- people saw a lot because Greg was out in the media. So, I mean, we were getting lots of e-mails, lots of phone calls. We were getting a lot of feedback. But there was certain things that people didn't see.

Q You mentioned e-mails again. The e-mails that you received that you posted in your presentation, did you ever see a need to show any negative e-mails about Lance Armstrong and doping?

A The issue was -- the issue that we were addressing was an issue between Greg LeMond and Trek.

If you take a look at the agreement, in Section 13, it says Greg LeMond cannot harm Trek. And time and time again, he

harmed Trek. That was the issue. It was the issue between Greg LeMond and Trek. It was not between Greg LeMond and Lance Armstrong.
Q Has Greg LeMond ever said anything negative about Trek?
A Not that I can specifically recall.
Q But he has said negative things about Lance Armstrong?
A He has.
Q And Lance Armstrong has a contract with Trek?
A He does.
Q And he owns part of Trek?
A Okay. He owns a -- yes, he does. He owns a very small part. And I believe that his ownership in Trek was a gift when he came up after winning the second tour. And I didn't know what to give him, and so we gave him a Packer fleece sweatshirt, because it was like minus 10 degrees and we thought that would be appropriate, and then we also gave him -- it might have been 500 shares of Trek, which at that time was probably worth $10,000.
Q And today it's worth $35,000?
A I don't know the exact number. We can get that for you.